

U.S. Department of Labor

Mine Safety and Health Administration
201 12th Street South
Arlington, Virginia 22202-5452



FEB 12 2016


MEMORANDUM FOR MEMORANDUM FOR KEVIN G. STRICKLIN
Administrator for Coal, Mine Safety and Health

FROM:

JEFFREY A. DUNCAN 
Committee Chair
Director for Educational Policy and Development


HEIDI W. STRASSLER 
Associate Solicitor for Mine Safety and Health

WILLIAM J. FRANCA 
Acting Director of Technical Support

TEDDI F. EISEN, M.D., FACOEM 
Reviewing Medical Officer, Contractor
Federal Occupational Health
Program Support Center
U.S. Department of Health & Human Services

SYED HAFEEZ 
Director, Program Evaluation and Information

SUBJECT: Chargeability Review Committee Decision

Case No.: 2015-C-24-

Deceased: 

Date of Incident: July 18, 2015

Date of Death: July 18, 2015

Autopsy Conducted: N/A

Death Certificate Issued: July 21, 2015

Operator: Omega Surface Mining, LLC.

Mine: Maple Surface Mine

Decision: Not chargeable

In a unanimous decision, the Chargeability Review Committee has determined that the death of [REDACTED] should not be charged to the mining industry. On July 18, 2015 Mr. [REDACTED], a 24-year old trespasser, and several companions were riding all-terrain vehicles when his ATV struck a fallen tree. He was transported to a local hospital where he was pronounced dead on arrival.

The certificate of death listed the immediate cause of death as head and neck trauma, with the underlying cause being a motor vehicle accident while operating an all-terrain vehicle. The MSHA investigation determined that Mr. [REDACTED] did not have permission to be on the property, and that he was not employed at the mine site.

Based on these findings, the Committee members concluded that Mr. [REDACTED] death should not be charged to the mining industry.

cc: Joseph A. Main
Patricia W. Silvey
Laura V. McClintock